

1 Q What have you reviewed?

2 A My attorney advised me to read my declaration --

3 JUDGE STEINBERG: We don't want to hear what your
4 attorney advised.

5 MR. ROMNEY: No.

6 THE WITNESS: Oh, I'm sorry. The only thing I've
7 reviewed is my deposition and my declaration. That's it.

8 BY MR. ROMNEY:

9 Q Did you have a chance to read and sign your
10 deposition.

11 A Yes, sir.

12 Q And have you signed it?

13 A Yes, sir.

14 Q Did you make any changes on it, ma'am?

15 A Other than corrections of spelling and stuff, no.

16 Q Nothing substantive?

17 A Right.

18 MR. ROMNEY: Pass the witness, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. PEDIGO:

21 Q Good afternoon, Ms. Hill.

22 A Good afternoon.

23 Q My name is Lawson Pedigo and myself and Ronnie
24 Wilson, we're the attorneys representing your cousins, Dave
25 and Diane Brasher, in this matter.

1 I just wanted a couple of follow-up questions.

2 A Okay.

3 JUDGE STEINBERG: Let me just ask, do you need to
4 take a break?

5 THE WITNESS: No.

6 JUDGE STEINBERG: Does anybody need to take a
7 break?

8 Why don't we take about five minutes?

9 (A brief recess was taken.)

10 JUDGE STEINBERG: We're back on the record.

11 Mr. Pedigo?

12 MR. PEDIGO: Yes, Your Honor.

13 BY MR. PEDIGO:

14 Q Ms. Hill, I just want to make sure I understood
15 things correctly. In all of these discussions in either
16 1997 or even getting up until this week getting ready for
17 participation in his hearing, it doesn't sound like you've
18 had an occasion to talk about Diane or Dave and their
19 involvement in this application process.

20 A No, sir. We didn't.

21 Q And that's because in fact they didn't really have
22 anything to do with the submission of your applications or
23 when the controversy came up after the Net Wave petition.
24 Is that correct?

25 A I don't think so.

1 Q And you've never run into --

2 JUDGE STEINBERG: Wait a minute. You said "Is
3 that correct" and the answer was "I don't think so," which
4 could mean somebody could read "I don't think that's
5 correct." So let's straighten that out.

6 THE WITNESS: I don't understand the question.
7 Could you repeat that?

8 MR. PEDIGO: I'm sorry.

9 BY MR. PEDIGO:

10 Q Let's go to November 1997.

11 A Okay.

12 Q According to your direct testimony, that's the
13 first time you have a specific recollection of these
14 applications or your application in particular.

15 A Well, we didn't really know about the applications
16 in '97, we didn't really get the applications until -- we
17 didn't know about the applications and the signature --
18 well, I'm not sure what I'm trying to say. We knew that we
19 were in something, but we didn't know -- we hadn't seen any
20 applications.

21 Q Okay. And that's in the timeframe of November of
22 1997?

23 A Yes, sir.

24 Q Okay. And whatever inquiries you made at that
25 time or discussions that were had, the involvement of Dave

1 or Diane Brasher did not come up.

2 A Correct.

3 Q And, similarly, in the summer of 1996 when you got
4 the PCIA card or that yellow card, whatever FCC documents or
5 PCIA documents you received, you would have given those to
6 your mother to give to Ron and Pat Brasher. Is that
7 correct?

8 A Yes, sir.

9 Q Okay. And it's your understanding that these
10 documents were never to be forwarded to Diane or Dave
11 Brasher. Is that correct?

12 A Yes. That's my understanding.

13 Q And it's obvious that this situation has caused
14 some upheaval in your relationship with certainly your Uncle
15 Ron and maybe your Aunt Pat.

16 A Yes, sir.

17 Q But throughout that, have you managed to continue
18 on good terms with Diane and Dave Brasher?

19 A I haven't really spoken to Diane or David either
20 since 1997.

21 Q Okay. Well, is it because you've intended not to
22 or has it just --

23 A I guess under attorney advisement we haven't kept
24 up the family relations. We ran into Diane like one time in
25 a department store, said hello to her, spoke to her for a

1 minute, but that's about it.

2 Q So it was other advice to not contact your family
3 members, not because you had any ill will towards them?

4 A No, I don't have any ill will.

5 Q And is your opinion that they are good people, of
6 good character?

7 A As far as I know.

8 Q If you recall one of the documents you signed on
9 January 28, 1998, that was to transfer your interest in that
10 radio license, that radio station. Do you recall that?

11 A Yes, sir.

12 Q Is it your understanding that after you submitted
13 that document to the FCC you had no more reason to deal with
14 that license or your radio station?

15 A Yes, sir. That was our belief.

16 Q Okay. And so in the management or operation of
17 that particular radio license, after January 1998, isn't it
18 true that there would have been no reason for anyone at DLB
19 Enterprises to account to you for the financial results
20 involving your radio license?

21 A They never accounted to us for any financial
22 records on any radio station ever. I don't remember
23 receiving any.

24 JUDGE STEINBERG: Let me interrupt. After you
25 signed the assignment application, you didn't care what

1 happened to your station, did you?

2 THE WITNESS: No, I didn't.

3 JUDGE STEINBERG: And as far as you're concerned,
4 it doesn't exist.

5 THE WITNESS: That's right.

6 JUDGE STEINBERG: So you don't care what who is
7 running it or how they're running it or what they're doing
8 with it or what they're not doing with it.

9 THE WITNESS: No. I don't care. You're right.

10 JUDGE STEINBERG: Okay.

11 I think that's what you wanted to get out.

12 MR. PEDIGO: Yes, sir.

13 BY MR. PEDIGO:

14 Q And along those lines, you communicated with your
15 Uncle Ron, the letter was dated November 29, 1997, asking
16 him to transfer it. Is that correct?

17 A Yes.

18 Q And do you recall that his letter to you was dated
19 January 6th, where they said they were going to honor that
20 request?

21 A Yes, sir.

22 Q So you did consider that was a timely and accurate
23 response to your request.

24 A Yes, sir.

25 MR. ROMNEY: Your Honor, I don't know that that

1 was ever put in the record, that particular letter he
2 referred to.

3 JUDGE STEINBERG: The letter that came back?

4 MR. ROMNEY: No, sir. I believe it's page 450 of
5 Exhibit 19.

6 Is that the one you were referring to, Mr. Pedigo?

7 MR. PEDIGO: The November 29th one.

8 MR. KNOWLES-KELLETT: Page 450 of Exhibit 19.
9 It's in the record.

10 MR. ROMNEY: Yes, I don't know that she was
11 asked --

12 JUDGE STEINBERG: But the testimony didn't tie
13 page 450 in -- okay. I understand.

14 Could you do that?

15 MR. PEDIGO: Certainly. And I can even be more
16 general.

17 BY MR. PEDIGO:

18 Q Your recollection is that you made a request to
19 your Uncle Ron to transfer that radio license out of your
20 name. Is that correct?

21 A Yes, sir.

22 Q And you recall that several weeks after that, in
23 fact, that request was honored. Is that correct?

24 A Yes, sir.

25 JUDGE STEINBERG: Now, look at page -- you've got

1 450 in front of you?

2 THE WITNESS: Yes, sir.

3 JUDGE STEINBERG: Would you read that to yourself?
4 Is that the letter that you got from your uncle telling you
5 that they are taking the license out of your name?

6 THE WITNESS: Yes, sir.

7 MR. ROMNEY: Was that a yes?

8 JUDGE STEINBERG: Yes. That was a yes.

9 MR. ROMNEY: Thank you.

10 BY MR. PEDIGO:

11 Q So you are familiar with the letter that appears
12 at page 450 to Exhibit 19?

13 A Yes, sir.

14 Q You did receive that?

15 A Yes, sir.

16 Q All right. If you notice, it says "Dear Jennifer:
17 It is difficult for Pat and myself to understand that you
18 have only recently become aware that you are a legal owner
19 of a radio license."

20 Do you see that first sentence?

21 A Yes, sir.

22 Q Okay. And you understand that that was in
23 response to your communication with them that you only
24 recently learned that you had become a legal owner of a
25 radio license.

1 A Yes, sir.

2 Q When they said it was difficult for them to
3 understand that, they would have said that after -- well,
4 let me back up.

5 The June 18th application used your correct
6 address, the Gus Thomasson address. Is that correct?

7 A Yes, sir.

8 Q In fact, all the correspondence we've seen from
9 the FCC was to that address. Is that correct?

10 A Yes, sir.

11 Q And I think you specifically testified that you
12 remember receiving a number of those documents, but there's
13 one or two that you don't have a specific recollection of
14 seeing. Is that your testimony?

15 A I remember receiving the card before the Net Wave
16 petition, but I don't remember anything else.

17 JUDGE STEINBERG: Well, you remember the thing you
18 threw out.

19 THE WITNESS: Yes. I do remember that. That came
20 after the Net Wave petition.

21 BY MR. PEDIGO:

22 Q And when the license was granted, I think that was
23 dated September 25, 1996, it was mailed to you by the FCC at
24 your Gus Thomasson address. Is that correct?

25 A Yes. I guess.

1 Q Pardon me?

2 A I guess. I don't remember receiving that.

3 Q You don't remember receiving it?

4 A No, I don't.

5 Q But you would have lived at that address and
6 presumably it would have been received by you.

7 A Yes.

8 Q So can you understand, Ms. Hill, why Ron and Pat
9 would have been under the impression that you understood
10 what was going on with the FCC, since all the correspondence
11 had gone to you?

12 A Well, like I said before, my impression has always
13 been that Ron and Pat would already had it transferred, so,
14 yes, it was -- I mean, even though it may be '96, I might
15 have realized that was going on, but by that time, I would
16 have thought they would already had it transferred to them
17 so I guess I was saying in my letter to them that, you know,
18 I thought you had this transferred, get my name out of it.
19 So that's what my impression was.

20 Q Okay. So to the extent you received the card and
21 perhaps that license at the Gus Thomasson address, they
22 could have reasonably been under the impression that you
23 knew what was going on about your license.

24 A I guess so. Yes.

25 Q And that's why, then, it would be that they could

1 be surprised at least -- what would that be, 14 months later
2 after the license was granted, October '96 through November
3 of 1997, 14 months later they might have been surprised that
4 you didn't feel that you were any longer the legal owner of
5 that?

6 A I guess.

7 Q When you say you were no longer the legal owner in
8 your November 29th letter, do you remember that phrase?

9 JUDGE STEINBERG: Are you looking at --

10 MR. PEDIGO: Exhibit 56.

11 JUDGE STEINBERG: We've been working on Exhibit
12 19, page 449, I think that's what Ms. Hill is looking at.

13 THE WITNESS: I'm looking at 449. Right.

14 JUDGE STEINBERG: All right.

15 THE WITNESS: Okay. What was your question?

16 BY MR. PEDIGO:

17 Q You were not surprised that you were the
18 legal owner of a radio channel at some point in 1996.
19 As I understand your testimony, you were surprised that
20 you were still the legal owner as of November of 1997.

21 A I don't know that I ever fully comprehended
22 that I was ever a legal owner of this license. I think I
23 knew -- I mean, as far as the application went, I think I
24 knew that because I had gotten the card, but I don't know
25 that I ever saw the license and that it ever got issue.

1 So, no, I didn't know that I was the legal owner.

2 And then when I got the Net Wave, I realized I was
3 and at that point I told Ronald if you've ever gotten
4 anything in my name, you told me you would transfer it out,
5 so I don't understand how I can still be in this. That was
6 always my understanding, okay?

7 Q I understand that and, believe me, I'm not trying
8 to turn you into a communications lawyer or to take a
9 position about the effect of submitting that application in
10 your name, whether that makes you the legal owner. I'm not
11 trying to elicit testimony on that.

12 A Okay.

13 Q I'm just trying to get your state of mind that in
14 June of 1996, you're not surprised that there was an
15 application involving your name. Is that correct?

16 A I guess so.

17 Q However, as of November 1997, you were under the
18 impression it would have been transferred out and so you
19 were surprised by the Net Wave petition because it said you
20 were still an owner.

21 A Yes, sir.

22 Q Okay. And I'm just trying to then compare that to
23 page 449, the letter from Ron and Pat to you.

24 A Okay.

25 Q Where it would appear they were under the

1 understanding that you knew that you were still the legal
2 owner and perhaps you all were just maybe misunderstanding
3 each other.

4 A I don't know what their impression was.

5 Q Okay. But you're not saying that that's an
6 unreasonable state of mind for them to be in.

7 A No, I guess not.

8 Q Okay. If as a result of this hearing -- and I'm
9 changing topics, by the way.

10 A Okay.

11 Q If as a result of this hearing the application
12 that you signed January 28, 1998 could transfer the station
13 that was issued in your name --

14 A Okay.

15 Q If that application was approved by the FCC and
16 your station was then transferred into DLB Enterprises,
17 would that be what your desires are to happen in this
18 situation?

19 A Yes.

20 Q And you would think, then, I take it, that DLB
21 Enterprises, certainly with Dave and Diane running it, they
22 would be satisfactory and good operators of that radio
23 license? Is that correct?

24 A Yes.

25 MR. PEDIGO: No further questions, Your Honor.

1 JUDGE STEINBERG: Mr. Kellett?

2 REDIRECT EXAMINATION

3 BY MR. KNOWLES-KELLETT:

4 Q Ms. Hill, a couple more questions. Do you know if
5 copies of Form 800A are available from the FCC after they've
6 been sent to licensees?

7 A No.

8 Q You have no knowledge either way?

9 A I don't have any knowledge of that.

10 Q Okay. In the early '90s, you testified that you
11 thought you signed a radio application in the early '90s.
12 Is that correct?

13 A Yes, sir.

14 Q Okay. Do you know what it was that you signed?

15 A No, sir. I don't.

16 Q Was it just something that your Aunt Pat gave to
17 you to sign?

18 A Yes, sir.

19 Q Okay. Do you know if you had a discussion of what
20 it was at that time?

21 A It seems like the discussion, and I can't remember
22 exactly who discussed it, when and what, but it always
23 seemed to be the discussion was that Ronald could only
24 acquire so many licenses in his name, okay? And if I had a
25 license in my name, he could have them transferred to him,

1 so he was trying to get these licenses and he would get them
2 in our names and have them transferred to him. But I don't
3 know who discussed that or how I know that, I just know
4 that's always how it was discussed. And I never asked
5 questions. End of story.

6 Q Okay. When Mr. Pedigo asked you questions to say
7 you weren't really surprised about having had a previous
8 application, were you surprised to learn that there was a
9 1996 application?

10 A Yes. I mean, I think I knew something was going
11 on because I had gotten the card, but I was still surprised
12 because I didn't believe I had ever signed anything in Hill.

13 Q Okay.

14 A So I don't really understand what I'm supposed to
15 say.

16 JUDGE STEINBERG: Let me jump in here.

17 You've said several times that you don't think
18 that you signed anything in the name of Hill, but when did
19 you get married? I think you said that before.

20 THE WITNESS: October 7, 1995.

21 JUDGE STEINBERG: 1995. So this would have
22 been -- well, the next summer. Is it possible -- now,
23 I know anything is possible, so I don't want an objection
24 because anything is possible, but in your own mind, do you
25 think that it's possible that you did sign something in the

1 name of Jennifer Hill and you just don't remember that you
2 did it because it didn't really matter to you?

3 THE WITNESS: Well, the thing --

4 JUDGE STEINBERG: You know what I'm asking.

5 THE WITNESS: Yes. The thing I remember about all
6 of this is that I was at work and we had just moved into
7 that apartment Memorial Day of '96 and Aunt Pat called me at
8 work, which was unusual, because she never called me at
9 work. Like she hardly ever called me at all.

10 I mean, it was more of if you ever discussed
11 anything with Aunt Pat it went through my mom. And so my
12 first thought was she called me at work, and the reason why
13 I can remember this is because she never did, is that
14 something has happened to my mother and she's calling me on
15 an emergency, but she called me and asked me for my address,
16 my new address because I had just moved. And so I gave her
17 my new address. And it seems like a few weeks later I get
18 this card in the mail.

19 So that's why I think I never signed anything.
20 And I don't have any recollection of going over to their
21 house and signing any -- I just don't remember if I did or I
22 didn't.

23 JUDGE STEINBERG: And you don't remember doing
24 this at your house.

25 THE WITNESS: No, sir.

1 JUDGE STEINBERG: In your apartment.

2 THE WITNESS: No, sir. I do not.

3 JUDGE STEINBERG: There's another question I have
4 and that is, again, in your own mind, you said you signed
5 something for a radio license in the early '90s.

6 THE WITNESS: Right.

7 JUDGE STEINBERG: Is there any way that you could
8 be -- that the dates could be mixed up in your head?

9 THE WITNESS: I really don't think so because I do
10 think it was on a Saturday when Aunt Pat came over to go
11 shopping with my mom and I was living there, so I was around
12 the house. And I think they had me sign it. In '96,
13 I wasn't around my mother's house on Saturday like that.
14 I was in my apartment. I mean, you know, I lived on my own
15 by then. So I really don't think so. I just don't
16 remember.

17 JUDGE STEINBERG: Okay.

18 THE WITNESS: That's too long ago.

19 JUDGE STEINBERG: Well, wait until you get old and
20 then yesterday is too long ago.

21 THE WITNESS: I mean, I'm trying to be as truthful
22 as I can.

23 JUDGE STEINBERG: Oh, I know. I know. These are
24 questions that just come up in my head and since I'm wearing
25 this, I can get to ask them. It's like I can be late

1 because you can't start without me. And we can't start
2 without you, so you can be late too.

3 Okay, Mr. Kellett.

4 BY MR. KNOWLES-KELLETT:

5 Q There was some testimony about the family meetings
6 you all had prior to the depositions and in the last day or
7 two in the hotel.

8 A Yes.

9 Q Do you recall if any of your discussions with your
10 other family members in any way changed what you remembered,
11 the way you remembered it?

12 A No, it was quite the contrary, actually. It just
13 seems like the more we tried to think of it, the more we
14 just don't remember any of these things happening, other
15 than the way we've already spoke of it before.

16 MR. KNOWLES-KELLETT: No further questions.

17 RECROSS-EXAMINATION

18 BY MR. ROMNEY:

19 Q Page 450 to Exhibit No. 19, ma'am, that letter
20 from your uncle and your aunt?

21 A Yes.

22 Q Did you respond to that letter?

23 A No, sir, I did not.

24 MR. ROMNEY: No further questions, Your Honor.

25 JUDGE STEINBERG: Mr. Pedigo?

1 MR. PEDIGO: No, Your Honor.

2 JUDGE STEINBERG: Okay. You will be happy to know
3 that you are finished.

4 THE WITNESS: Thank you.

5 JUDGE STEINBERG: And you can go back to Texas. I
6 want to thank you very much for coming and testifying. We
7 all appreciate it and it appeared to be difficult for you
8 and we appreciate your effort and we want to thank you very
9 much.

10 (The witness was excused.)

11 JUDGE STEINBERG: We'll go off the record for a
12 couple of minutes.

13 (A brief recess was taken.)

14 JUDGE STEINBERG: We're back on the record.

15 While we were off the record, we discussed next
16 week's schedule, at least Monday.

17 We will be in recess until Monday at 9:00, weather
18 permitting, and I don't need to get into any details on the
19 record on that.

20 (Whereupon, at 3:40 p.m., the hearing in the
21 above-entitled matter was adjourned until Monday, March 5,
22 2001, at 9:00 a.m.)

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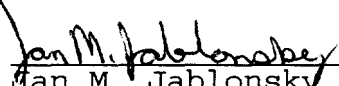
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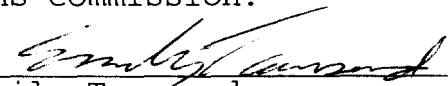
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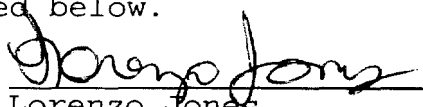
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